

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 18, 1994
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:10 p.m.
City Manager McGrory announced Item #250 - Public Notice: Notice
of Completion and Acceptance relating to Pardee First
Neighborhood #1 Subdivision portion is continued to May 9, 1994.
Mayor Golding adjourned the meeting at 4:43 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Roberts-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (ec)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Roberts-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present

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- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Father Steven Grancini of Our Lady of the Rosary.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Roberts.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO THE CITY MANAGER

Comments by Richard De Hoyos regarding violation of San Diego Municipal Code by certain City Officials.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-079.)

ITEM-PC-2:

Comments by Steven Wright regarding Sunday night's Trauma Unit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A080-087.)

ITEM-PC-3:

Comments by Mr. Abernathy regarding his termination from the

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Goodwill and 16th through 25th Streets being torn up in the downtown area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A088-112.)

ITEM-PC-4:

Comments by Don Stillwell regarding the Acts of Treason and concerns on how the Attorney General wants the nation to become a part of a World Constitutional Convention.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A113-139.)

COUNCIL COMMENT:

ITEM-CC-1: REFERRED TO THE CITY MANAGER

Comments and questions by Council Member Stevens regarding the availability of the Chief of Police and Fire Chief 24 hours a day; the question of whether or not a ruling should be made by the City Council when the City has no policy by which they have based their decision; when a City employee has to go before a hearing, is he represented by the Civil Service Commission and can the employee himself, comment during the hearing; and does the Civil Service Commission represent the Chief of Police and the Fire Chief when they go before a hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A146-178.)

ITEM-CC-2:

Comments by Council Member Vargas regarding the tearing up of streets in the Golden Hill area and commending the crews that they have hired for doing an excellent job.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A179-184.)

ITEM-CC-3:

Comments by Council Member Roberts thanking Mayor Golding for having Father Steven Grancini give the invocation and for acknowledging the work that was done on Mission Bay. Also, recognizing the opening of Briarfield Bridge and the opening of Southshores Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A185-190; B428-440.)

ITEM-CC-4:

Comments by Council Member Stallings regarding the abandonment of animals on Fiesta Island and the San Diego Padres working with Ms. Stallings' Staff and the City Manager's Staff to sponsor City Employee days at Sunday and Monday Padre games in May.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A191-206; B404-427.)

ITEM-30:

SUBJECT: Proclaiming "Earth Day" and "Earth Week" in San Diego.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1413) ADOPTED AS RESOLUTION R-283698

Proclaiming April 22, 1994 to be "Earth Day" and April 18 through 24, 1994 to be "Earth Week" in San Diego; urging all citizens to recognize the importance of this opportunity to renew our commitment to protect our home: Earth.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A207-244; A587-590.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by

the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Anthony J. Navoy Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1422) ADOPTED AS RESOLUTION R-283699

Saluting Anthony J. Navoy for his extraordinary efforts to raise the San Diego Flag at the North Pole, and commending him for his honorable community service; Proclaiming April 18, 1994 to be "Anthony J. Navoy Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A245-421; A587-590.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: National Library Week, April 17-23, 1994.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1454) ADOPTED AS RESOLUTION R-283700

Thanking the librarians for the valuable and helpful services they provide our community and encouraging all residents to use their public library for the purpose of improving their lives;

Proclaiming the week of April 17 through 23, 1994 to be

"National Library Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A422-539; A587-590.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: APPROVED

Approval of Council Minutes for the Meetings of:

3/21/94
3/22/94
3/22/94 Special Joint Meeting
3/28/94
3/29/94
3/29/94 Special Joint Meeting
4/04/94 Adjourned
4/05/94 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A140-145.)

MOTION BY McCARTY TO APPROVE. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34:

SUBJECT: Recognizing the Winners of the City of San Diego
Environmental Poster Contest.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1492) ADOPTED AS RESOLUTION R-283701

Recognizing the following winners of the City of San

Diego Environmental Poster Contest:

Ayan Said
(Kindergarten - 3rd Grade) Marshall Elementary School

Chrystal de la Torre
(4th - 6th Grade) Alcott Elementary School

Robert Driscoll
(7th - 9th Grade) Standley Jr. High School

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A540-586; A587-590.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Distribution of Advertising Materials on Transient Residential Properties.

(See City Attorney's Report dated 2/25/94.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 3/2/94, PS&S voted 5-0 to recommend introduction of the following ordinance (Councilmembers Roberts, Kehoe, Stevens, McCarty and Vargas voted yea):

(O-94-89) INTRODUCED, TO BE ADOPTED ON MAY 2, 1994

Introduction of an Ordinance amending Chapter V, Article 7, of the San Diego Municipal Code by amending Section 57.16 and by adding Section 57.17 relating to the Distribution of Advertising Material which Proposes Commercial Transactions on Hotel or Motel Property.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS_TO_INTRODUCE. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Dedicating 2.1 Acres of City-owned Land for Park Land
("Del Cerro").

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-94-83) INTRODUCED, TO BE ADOPTED ON MAY 2, 1994

Introduction of an Ordinance setting aside and
dedicating 2.1 acres located along the northeast
intersection of Interstate 8 and College Avenue, for a
public park.

CITY MANAGER SUPPORTING INFORMATION:

On January 3, 1994, while reviewing various parcels for park
dedication, in accordance with Council Policy 700-17, the City
Council directed staff to return with the dedication of this
additional 2.1 acre parcel in Del Cerro. This parcel is a
rectangular shaped slope located along the northeast intersection
of Interstate 8 and College Avenue.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO INTRODUCE. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Awarding a Contract for Furnishing Lights, Ballasts and
other Components.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1261) ADOPTED AS RESOLUTION R-283702

Awarding a contract to G.E. Supply (San Diego), for furnishing lights, ballasts and other components, as may be required for a period of one year beginning January 15, 1994 through January 15, 1995, for a total cost of \$647,000, including tax and terms, with options to renew the contract for one additional one year period. (BID-I4139/94)

Aud. Cert. 9400968.

FILE LOCATION: CONT - Purchase - G.E. Supply (San Diego)
CONTFY94-1

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Three actions related to the Morena Boulevard (W.
Morena Blvd. to Napier St.) Underground Utility
District.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1440) ADOPTED AS RESOLUTION R-283703

Designating July 1, 1994 as the date upon which all property in the Morena Boulevard (Morena Boulevard to Napier Street) Underground Utility District must be ready to receive underground service and September 1, 1994 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-94-1441) ADOPTED AS RESOLUTION R-283704

Authorizing the City Auditor and Comptroller to open Fund No. 78070 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Morena Boulevard (Morena Boulevard to Napier Street) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds 1 foot, from Case 8209 funds held by the City Treasurer for this purpose;

Authorizing the City Auditor and Comptroller to return to San Diego Gas & Electric Company any un-disbursed funds upon written notice that all electric service conversions within a particular district have been completed.

Subitem-C: (R-94-1442) ADOPTED AS RESOLUTION R-283705

Authorizing the expenditure of not to exceed \$66,957 from Annual Allocation - Under-grounding of City Utilities, CIP-37-028.0, TransNet Fund 30300, for the installation of street lights.

CITY MANAGER SUPPORTING INFORMATION:

The Morena Boulevard (W. Morena Boulevard to Napier Street) Underground Utility District was created by the City Council on October 6, 1992. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set July 1, 1994 as the Customer Ready Date, which will require that, upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish September 1, 1994 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates.

Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all

underground utility districts.

Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.

Aud. Cert. 9400970.

FILE LOCATION: STRT K-206

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Cost Reimbursement District - Miramar Ranch North.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1446) ADOPTED AS RESOLUTION R-283706

Authorizing the City Manager to initiate proceedings pursuant to San Diego Municipal Code Section 62.0208 to establish a Cost Reimbursement District in the Miramar Ranch North area pursuant to the request of McMillin-BCED;

Authorizing a District Formation and Monitoring Cost Agreement with the property owner, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. CR-24-1;

Authorizing a consultant agreement with Willdan Associates (Orange County) in the amount of \$32,320, for assessment engineering services;

Accepting the cash advance of \$52,820 from the property owner;

Authorizing the City Auditor and Comptroller to establish Miramar Ranch North Fund No. 72015 and to make appropriate payments.

CITY MANAGER SUPPORTING INFORMATION:

In January 1991, the City Council, pursuant to the terms and conditions of the Settlement Agreement between the property owner (McMillin-BCED) and the City of San Diego, established Community Facilities District No. 1 (CFD No. 1). The District was established for the purpose of financing the property owner's required portion of public improvement projects identified in their Development Agreement.

The remaining portion of each improvement project identified in the Development Agreement, of benefit to the entire Miramar Ranch North Community, was funded by McMillin-BCED directly and is subject to reimbursement as stipulated in the Development Agreement. The property owner has requested that the City initiate proceedings for the recovery of costs associated with these community-wide improvements. In accordance with the property owner's request, this Council action would direct staff to initiate Cost Reimbursement District proceedings under the provisions of the City's Cost Reimbursement District Procedural Ordinance. This Ordinance provides property owners, who are required to construct certain public improvements above and beyond what is normally required to support their development, with a means to recover costs from other benefitting property owners. McMillin-BCED is seeking reimbursement from other benefitting property owners within the Miramar Ranch North Community area for the costs associated with providing public improvements which include the following: the Mercy Interchange, Scripps Poway Parkway, a water distribution system, community parks and various other community facilities. Consistent with the provisions of the Ordinance, each facility would be evaluated to determine the allowable cost of each project that would be spread to the various property owners within the Miramar Ranch Community. Staff recommends that Willdan Associates be retained as assessment engineer to assist the City in determining the percentage of each improvement project eligible for reimbursement. This recommendation is based on the firm's expertise as Special Tax Engineer for CFD No. 1 and their extensive knowledge of the public facilities being considered for reimbursement. Advance notification of this Council action will be provided to each property owner within the proposed reimbursement district.

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-ineligible, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Reducing the North Park Redevelopment Project Area
Committee (PAC) from 15 to 12 Seats.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1421) ADOPTED AS RESOLUTION R-283707

Reducing the number of members of the North Park
Redevelopment Project Area Committee from 15 to 12,
with the reductions coming from the following
categories: one from the Business Owner/Property Owner
category; one from the Residential Owner Occupant
category; and one from the Residential Tenant category.

CITY MANAGER SUPPORTING INFORMATION:

On October 16, 1990, the City Council adopted by Resolution
R-276720, the procedure for formation of a Project Area Committee
(PAC) for the North Park Redevelopment Project. On January 15,
1991, the City Council approved the PAC representatives initially
elected to fill the 15 total PAC seats. (Resolution R-277220,
ratified the PAC election of December 18, 1990). The PAC has
since experienced frequent seat vacancies, and consistent
difficulty filling vacant PAC seats. On February 8, 1994, in
accordance with the North Park PAC by-laws, an annual election
was conducted to fill vacant and term-expired seats. The PAC
election resulted in six PAC seats being filled, bringing the
total of filled seats to eight, a quorum under a fifteen-seat
membership.

On March 8, 1994, a Residential Tenant PAC member (Stalheim)
tendered his resignation because he no longer resides in the
Project Area. The PAC currently has seven filled seats and eight
vacant seats. The PAC is unable to master a quorum, therefore,

the PAC is unable to conduct official business under the current numerical membership. Therefore, it is recommended to amend the PAC formation procedures to reduce the North Park PAC numerical membership from fifteen to twelve, in order to ensure a quorum of seven, and enable the PAC to conduct official business. The reductions are recommended as follows: One Business Owner/Property Owner; One Residential Owner/Occupant; and One Residential Tenant.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Accepting Funds in the State-Local Partnership Program
(SB-300), Formerly SB-140, for New Traffic Signal
Projects and Traffic Signal Subsystem Projects.

(Districts-1,2,3,4,5,6,7,8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1429) ADOPTED AS RESOLUTION R-283708

Authorizing the City Manager to submit claims to
CalTrans and accept funds in the State-Local
Partnership Program (SB-300), formerly SB-140, for the
new traffic signal projects and traffic signal
subsystems projects listed below:

1. Arey Drive and Picador Boulevard
2. Armstrong Street and Mesa College Drive
3. Camino de la Plaza and Camiones Way
4. Fordham Street and Midway Drive
5. Activity Road and Camino Ruiz
6. 63rd Street and Imperial Avenue
7. Arjons Drive and Cabot Drive
8. Carroll Road and Kenamar Drive
9. Altadena Avenue and Euclid Avenue

10. Alvarado Road and Reservoir Drive
11. Imperial Avenue and Ozark Street
12. Cadman Street and Lisbon Street
13. Greenlawn Drive and Skyline Drive
14. Marlborough Avenue (E) and Orange Avenue
15. Convoy Street and Opportunity Road
16. Poblado Road and West Bernardo Drive
17. Crest Way and Del Mar Heights Road
18. "A" Street and Columbia Street
19. Camino Del Rio North and Ward Road
20. Hollister Street and Leon Avenue
21. Imperial Avenue (I-805 to Lisbon Street/69th Street)
22. Aero Drive (Convoy Street/Linda Vista Road to Sandrock Road).

CITY MANAGER SUPPORTING INFORMATION:

Senate Bill 300, formerly SB-140, provides up to \$300,000,000 annually for ten years to fund a State-Local Transportation Partnership Program throughout the entire state. This action authorizes the City Manager to submit claims for Cycle 4* and Cycle 5* of this program and accept funds from the State for the following new traffic signal projects and traffic signal subsystems projects.

Cycle 4, CIP-68-010.0 (New Traffic Signals)*

1. Arey Drive and Picador Boulevard
2. Armstrong Street and Mesa College Drive

Cycle 5, CIP-68-010.0 (New Traffic Signals)*

1. Camino de la Plaza and Camiones Way
2. Fordham Street and Midway Drive
3. Activity Road and Camino Ruiz
4. 63rd Street and Imperial Avenue
5. Arjons Drive and Cabot Drive
6. Carroll Road and Kenamar Drive
7. Altadena Avenue and Euclid Avenue
8. Alvarado Road and Reservoir Drive
9. Imperial Avenue and Ozark Street
10. Cadman Street and Lisbon Street
11. Greenlawn Drive and Skyline Drive
12. Marlborough Avenue (E) and Orange Avenue
13. Convoy Street and Opportunity Road
14. Poblado Road and West Bernardo Drive
15. Crest Way and Del Mar Heights Road
16. "A" Street and Columbia Street
17. Camino Del Rio North and Ward Road
18. Hollister Street and Leon Avenue

Cycle 4, CIP-68-008.0 (Traffic Signal Subsystems)

1. Imperial Avenue (I-805 to Lisbon Street/69th Street)

Cycle 4, CIP-62-291.0 (Traffic Signal Subsystems)

1. Aero Drive (Convoy Street/Linda Vista Road to Sandrocks Road).

* To qualify for Cycle 4, the construction contract must be awarded before June 30, 1994.

To qualify for Cycle 5, the construction contract must be awarded before June 30, 1995.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Grant Amendment Application for Boat Launching
Facilities at Barrett Reservoir.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1452) ADOPTED AS RESOLUTION R-283709

Authorizing the City Manager to apply for and execute
an amendment to the 1990 grant agreement with the
California State Department of Boating and Waterways,
to reflect the transfer of grant funding from the
Barrett Reservoir Boating Facilities Project to other
City reservoir boating projects, as necessary.

CITY MANAGER SUPPORTING INFORMATION:

In May 1987, the City Council approved the Manager's request that
the City submit a grant application to the State Department of
Boating and Waterways for the development of boating related
facilities at Barrett Reservoir. The application was
subsequently approved by this State agency. The grant funds were
not utilized to develop facilities at Barrett Reservoir. This
was based on the determination that the development of facilities

at Barrett Reservoir would not be viable for the following reasons: 1) development of a suitable access road for an increased volume of visitors is not economically feasible; and 2) the planned water storage regimen for Barrett will generally result in water levels unacceptably low for sufficient boating use.

The City has been informed by the State Department of Boating and Waterways that to avoid losing their funds the City must submit a proposed alternative project and cost estimate to the agency by May 1, 1994. It is recommended that the grant funds be used for a boating project at an alternative reservoir that would be of greater overall benefit to our boating patrons. The recommended alternative projects are the development of facilities at Murray Reservoir and/or the expansion of the existing boating facilities at El Capitan Reservoir. This action will authorize the City Manager to apply for and execute an amendment to the grant agreement to reflect transfer of the grant funding to these projects.

WU-U-94-139.

FILE LOCATION: MEET CONFY94-1

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Application for Congestion Mitigation/Air Quality Grant
Funds.

(University, La Jolla, Midway/Pacific Highway and Otay
Mesa-Nestor Community Areas. Districts-1, 2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1410) ADOPTED AS RESOLUTION R-283710

Authorizing the City Manager to apply for, accept and
expend Congestion Mitigation/Air Quality grant funds

for traffic signal systems on Ardath Road/Torrey Pines Road, La Jolla Village Drive/Genesee Avenue, Pacific Highway, and Palm Avenue/Coronado Avenue.

CITY MANAGER SUPPORTING INFORMATION:

Approximately four million dollars is available in the San Diego region for traffic signal interconnect system projects through the Congestion Mitigation/Air Quality (CMAQ) grant program. CMAQ is funded by the Federal government's Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. SANDAG receives the applications and decides the regional distribution of the funds. This application includes traffic signal systems in four project areas: Ardath Road/Torrey Pines Road, La Jolla Village Drive/Genesee Avenue, Pacific Highway, and Palm Avenue/Coronado Avenue. Last year the City was awarded CMAQ grants for traffic signal system projects on Linda Vista Road, Imperial Avenue, National Avenue, and Ocean View Boulevard.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Additional Funds for the Washington Street Median
Barrier Project.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1428) ADOPTED AS RESOLUTION R-283711

Authorizing the City Auditor and Comptroller to
transfer an amount not to exceed \$20,982.08 from
Cypress Avenue Storm Drain, CIP-11-253.0, Fund No.
30300, TransNet-Proposition A, to Washington Street
Median Barrier, CIP-62-269.0;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$37,614.18 from Desert View Drive Shear Pin Installation, CIP-52-566.0, Fund No. 30300, TransNet-Proposition A, to Washington Street Median Barrier, CIP-62-269.0;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$16,000 from Annual Allocation-Seepage Problems, CIP-17-003.0, Fund No. 30300, TransNet-Proposition A, to Washington Street Median Barrier, CIP-62-269.0;

Authorizing the expenditure of an amount not to exceed \$74,596.26 from Washington Street Median Barrier, CIP-62-269.0, Fund No. 30300, TransNet-Proposition A, for providing funds for construction and related costs;

Authorizing the Auditor and Comptroller to transfer excess funds, if any, to appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Additional funds for the Washington Street Median Barrier Project Capital Improvement Project CIP-62-269.0, provides for the design and construction of a CalTrans type 50 median barrier along Washington Street between University Avenue and Hawk Street. This barrier will reduce the crossover traffic hazard on Washington Street. The project also includes landscaping the median and triangle per the Mission Hills Business Association Beautification Plan. It is recommended that the landscaping be maintained by the City for one year, then via a landscape maintenance assessment district paid for by the community.

Additional funds are needed for the project due to variations in soil conditions and to increase the City's responsibility for maintaining the landscaping from 90 calendar days to one year. The Cypress Avenue Storm Drain, CIP-11-253.0; the Desert View Drive Shear Pin Installation, CIP-52-566.0; and Annual Allocation-Seepage Problem, CIP-17-003.0, projects have been completed with funds available to cover the change.

Aud. Cert. 9400939.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Settlement with the Police Officers Association (POA)
for FLSA Overtime Claim.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1470) ADOPTED AS RESOLUTION R-283712

Authorizing the City Manager to pay the total sum of
\$850,026 in the settlement of each and every approved
individual claim against the City, its agents and
employees resulting from the POA sponsored claim for
overtime and associated payments for captains and
lieutenants;

Authorizing the City Auditor and Comptroller to
establish annual leave banks of \$546,091.61 and expend
\$303,934.36 in lump sum retiree option payments for
individual parties to effect the payment of the sum
settlement total of \$850,026;

Authorizing the expenditure of an amount not to exceed
\$303,934.36 from the Public Liability Fund 81140.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of all POA
sponsored claims against the City of San Diego for Police
Captains and Lieutenants, associated with FLSA overtime
violations occurring prior to May, 1992.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Depositing Monthly Rents into a Trust Account to
Benefit Sunset Cliffs Park.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1423) ADOPTED AS RESOLUTION R-283713

Authorizing the City Manager to deposit the net monthly
rents from the City-owned rental house at Ladera Street
in Sunset Cliffs Park into Trust Account Fund No.
63034, during the period pending Council adoption of
the Sunset Cliffs Park Master Plan.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to deposit net rents
received from the City-owned rental house at Ladera Street on
Sunset Cliffs Park into a trust account to be used exclusively to
benefit Sunset Cliffs Park.

The rents from the other two rental properties on the park are
already deposited in this trust account. The rents from all
three properties will be deposited in the trust account only
until adoption of a Master Plan for the park, which is currently
underway. These rents may be used to assist in completing the
master plan document and associated environmental review.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Qualcomm Incorporated Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1447) ADOPTED AS RESOLUTION R-283714

Recognizing Qualcomm's outstanding achievements and its corporate presence in San Diego;

Proclaiming April 14, 1994 to be "Qualcomm Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Truck Prohibition on Aldine Drive between Fairmount
Avenue and Adams Avenue.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1419) CONTINUED TO MAY 9, 1994

Prohibiting commercial vehicles with a gross weight rating of over 10,000 pounds from operating on Aldine Drive between Fairmount Avenue and Adams Avenue; authorizing the installation of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

Aldine Drive is a low volume residential street with a prima facie speed limit of 25 miles per hour. It is located in the Kensington Area Community and has been experiencing an increase in heavy truck traffic.

The subject street runs parallel to El Cajon Boulevard and is four blocks north. Therefore, the Kensington-Talmadge Planning

Committee, the area's community planning group, recommended a five ton truck prohibition. A truck prohibition of commercial vehicles with a gross vehicle weight rating over five tons is recommended. Trucks making local deliveries and providing service on Aldine Drive will be permitted to use the roadway.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO CONTINUE TO MAY 9, 1994 AT THE REQUEST OF THE CITY MANAGER. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: City of San Diego Ultra-Low Flush Toilet Rebate Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1414) ADOPTED AS RESOLUTION R-283715

Authorizing the execution of a first amendment to the agreement with Volt Viewtech, Inc. (Orange County), for services associated with the day-to-day operation of the City of San Diego Ultra-Low Flush Toilet Rebate Program;

Authorizing the expenditure of not to exceed \$3,297,300 for the purpose of executing this amendment to the agreement.

CITY MANAGER SUPPORTING INFORMATION:

This action requests the continuation of the City's Ultra-Low Flush Toilet Rebate Program (Rebate Program) by amending an existing agreement with Volt Viewtech, Inc. On August 9, 1993, the City Council awarded a \$1.5 million contract to Volt Viewtech, Inc., to manage the day to day operations of the Rebate Program. As the Rebate Program Administrator, Volt Viewtech maintains and staffs a local office, accepts rebate applications by phone and mail, schedules and performs on-site ULFT

installation inspections, picks up and recycles old showerheads and toilets, processes rebate applications, and issues rebate checks to program participants. Approximately 85 percent of the contract costs were for rebates; the remainder was associated with program operational expenses. Between September 1993 and January 1994 the Rebate Program issued 16,729 rebates to City residents thus exhausting the program's FY 93 funding and the amount of the City's initial agreement with Volt Viewtech, Inc. Over half of the rebates issued went to City residents who waited patiently for them during the months (February-August 1993) that the Rebate Program was in hiatus.

On January 31, 1994, the City Council approved FY 94 funds budgeted for the Rebate Program, and an agreement with the San Diego County Water Authority (CWA) to provide matching funds from the CWA and the Metropolitan Water District (MWD) of Southern California for approximately 33,000 rebates. The CWA and the MWD are providing funding for nearly 70 percent (\$2,297,300) of the Rebate Program costs. The total cost of the Rebate Program approved by the Council is \$3,297,300. Approval of this action will allow the continuation of this well-liked water conservation program.

WU-U-94-121.

FILE LOCATION: WATER - Volt Viewtech, Inc. (Orange County), City of San Diego Ultra-Low Flush Toilet Rebate Program. CONFY94-1

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Fiscal Year 1993 Equal Opportunity Program Third Quarter Status Report.

(See City Manager Report CMR-93-340.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 12/1/93, PS&S voted 4-0 to recommend adoption of the following resolution (Councilmembers Roberts, Hartley,

Stevens and Vargas voted yea; Councilmember Wolfsheimer not present):

(R-94-1368) ADOPTED AS RESOLUTION R-283716

Approving the City Manager's Third Quarter Equal Opportunity Report for Fiscal Year 1993 on the status of the City's Equal Opportunity Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Two actions related to Adoption of 1990 Census Based County Labor Force Availability (CLFA) Goals.

(See City Manager Reports CMR-93-339 and CMR-93-345.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 12/1/93, PS&S voted 4-0 to recommend adoption of the following resolutions: (Councilmembers Roberts, Hartley, Stevens, and Vargas voted yea; Councilmember Wolfsheimer not present.)

Subitem-A: (R-94-1370) ADOPTED AS RESOLUTION R-283717

Adopting the 1990 Census based County Labor Force Availability (CLFA) data for construction labor forces, for purposes of assessing minority and women work force participation in City contracts.

Subitem-B: (R-94-1369) ADOPTED AS RESOLUTION R-283718

Adopting the 1990 Census based County Labor Force Availability (CLFA) data for administrative work forces, for purposes of assessing minority and women work force participation in City contracts.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: State of the Environment Address.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1472) ADOPTED AS RESOLUTION R-283719

Accepting the Mayor's State of the Environment Address
and forwarding it to the City Manager for review and
recommendations on action items.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B166-440.)

MOTION BY ROBERTS TO ADOPT. Second by Mathis. Passed by
the following vote: Mathis-yea, Roberts-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Endorsing Proposition 180 on the June 1994 Ballot -
California Parks and Wildlife Initiative (CALPAW'94).

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1466) ADOPTED AS RESOLUTION R-283720

Supporting Californians for Parks and Wildlife Bond Act
of 1994 (CALPAW '94) Initiative, and endorsing the
specific proposition that contains the measure as it
will appear on the June 1994 ballot.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B441-679.)

MOTION BY ROBERTS_TO_ADOPT. Second by McCARTY. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Reorganization of the Waste Management Department.

(See City Manager Report CMR-94-104.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1471) ADOPTED AS AMENDED AS RESOLUTION R-283721

Approving, in concept, the reorganization of the Waste Management Department to rename it the Environmental Services Department;

Authorizing an additional unclassified position in the General Services Department to perform the duties of Graffiti Program Manager;

Directing the City Manager to proceed with the reorganization and to take such actions as are necessary to implement the reorganization.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B680-C476.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE THE RENAMING OF THE WASTE MANAGEMENT DEPARTMENT. Second by McCarty. Passed by the following vote: Mathis-nay, Roberts-nay, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

MOTION BY WARDEN TO ADOPT THE RESOLUTION TO APPROVE THE REORGANIZATION OF THE DEPARTMENT. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Compensation Package for the Executive Director of the
San Diego Association of Governments (SANDAG).

(See letter from SANDAG dated 4/8/94.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1475 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-283722

Considering the current compensation package for the
Executive Director of the San Diego Association of
Governments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C480-D120.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION AS AMENDED TO
REQUEST COUNCIL MEMBER McCARTY TO VOICE STRONG OPPOSITION TO
THE 10% INCREASE FOR THE COMPENSATION PACKAGE AND TO PROPOSE
A 3% REDUCTION OF THE CITY'S CONTRIBUTION. DIRECT COUNCIL
MEMBER McCARTY TO ASK SANDAG FOR RECONSIDERATION OF THE
COMPENSATION PACKAGE AND IF GRANTED, THEN VOTE IN OPPOSITION
TO IT. Second by Roberts. Passed by the following vote:
Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Reuben H. Fleet Space Theater and Science Center
Business Plan for Expansion.

(See City Manager Report CMR-94-98. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1314 Cor. Copy) ADOPTED AS RESOLUTION R-283723

Approving, in concept, the Reuben H. Fleet Space Theater and Science Center Business Plan for Expansion and its financing assumptions as modified by the City Manager in City Manager Report CMR-94-98;

Directing the City Manager to proceed with a comprehensive review of the Reuben H. Fleet Space Theater and Science Center Business Plan for Expansion to evaluate the financial feasibility of issuing \$8.5 million in debt on behalf of the Reuben H. Fleet Space Theater and Science Center to partially fund the expansion;

Directing the City Manager to negotiate a mutually acceptable agreement with the Reuben H. Fleet Space Theater and Science Center to accomplish the objectives of the Business Plan for Expansion.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: Authorizing the Issuance of Tax Anticipation Notes in Fiscal Year 1994-1995.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1397) ADOPTED AS RESOLUTION R-283724

Authorizing the issuance of Tax Anticipation Notes in one or more series (the "Notes") of the City of San Diego for Fiscal Year 1994-1995 in an amount not to exceed \$150,000,000;

Authorizing the City Manager to sell the Notes at competitive bid in accordance with the Notice of Sale;

Authorizing the City Manager to accept the lowest

possible bid for the Notes, issued in one or more series, provided the total interest cost of the Notes shall not exceed 6 percent and the aggregate principal amount of the Notes shall not exceed the lesser of \$150,000,000 or the amount permitted under the Authorizing Law;

Authorizing the City Manager to execute the Accompanying Document, completed to reflect the final terms, and modified as may be requested by Bond Counsel to enhance the marketability of the Notes in a manner consistent with the Authorizing Law;

Authorizing the City Treasurer to approve the final terms of the sale of the Notes;

Adopting and approving the proposed form of the Preliminary Official Statement to be used in connection with the offer and sale of the Notes.

CITY MANAGER SUPPORTING INFORMATION:

The City normally experiences cash flow deficits during the fiscal year in the General Fund as a result of the uneven timing of the receipt of revenues while expenditures occur at level amounts throughout the year.

The uneven pattern of revenues is primarily due to the receipt of secured property tax payments, which occur in December and April of each year, and reimbursements from the State of California and federal government agencies. In order to pay operating expenses prior to the receipt of the revenues, the City issues short term financing in the form of Tax Anticipation Notes (TAN). The TAN program is self supporting in that the interest revenue earned on the reinvestment of the notes proceeds pays for the debt service and any costs or expenses associated with the issuance of the notes.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A591-B165.)

CONSENT MOTION BY VARGAS TO ADOPT. Second by Mathis.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206:

SUBJECT: Inviting Bids for Construction of Traffic Signal and Street Lighting Systems at El Camino Real and Via de la Valle.

(North City Future Urbanizing Area, Sub-Area II.
District-1.)

(Continued from the meeting of March 21, 1994, Item 105, at Councilmember Mathis' request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1165) CONTINUED TO MAY 9, 1994

Inviting bids for the Construction of Traffic Signal and Street Lighting Systems at El Camino Real and Via de la Valle on Work Order No. 112261;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$146,600 from TransNet Fund 30300, CIP-68-010.0, Annual Allocation - Construct Top 10-15 Prioritized Traffic Signals;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess monies, if any, in CIP-68-010.0. (BID-K94204)

CITY MANAGER SUPPORTING INFORMATION:

The Capital Improvement Program Project for Construction of Top 10-15 Prioritized Traffic Signals will install a traffic signal and street lighting system and do some minor roadway widening at the intersection of El Camino Real and Via de la Valle.

Aud. Cert. 9400793.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A591-B165.)

MOTION BY VARGAS TO CONTINUE TO MAY 9, 1994 AT THE REQUEST

OF THE CITY MANAGER. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207:

SUBJECT: Matter of the appeal of Steven M. Skinner from the decision of the City Manager, in denying a request for solicitation for a photography business on public beaches.
(Mission Beach and Pacific Beach Community Areas. Districts-2 and 6.)

TODAY'S ACTION IS:

(R-94-1586) DENY APPEAL, DENY PERMIT ADOPTED AS
RESOLUTION R-283725

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

The City Manager's designee, Terri Williams, Deputy Director, Coastline Parks and Golf Division, denied the request pursuant to San Diego Municipal Code Section 63.0102.

SUPPORTING INFORMATION:

The request by Mr. Steven M. Skinner is to be allowed to have his photographers solicit persons on the city beaches and park areas with their product.

CITY MANAGER SUPPORTING INFORMATION:

Currently, no solicitation is permitted on the beaches. The only permitted sales are food vending in locations selected by the City. The Coastline Parks and Golf Division indicates that the product does not justify an exception to the "no solicitation" provision of Section 63.0102 of the San Diego Municipal Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D121-413.)

MOTION BY ROBERTS TO ADOPT THE RESOLUTION DENYING THE APPEAL AND DENYING THE PERMIT AND TO REFER THE QUESTION OF SOLICITATION AND POSSIBLE REVISION OF THE CITY ORDINANCE TO THE PF&R COMMITTEE. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:43 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D414).